

§ 14-277.8. Conditional discharge for first offenders under the age of 20 years.

(a) Whenever any person who has not previously been convicted of any felony or misdemeanor other than a traffic violation under the laws of the United States or the laws of this State or any other state pleads guilty to or is guilty of a violation of G.S. 14-277.5, 14-277.6, or 14-277.7, and the offense was committed before the person attained the age of 20 years, the court shall, without entering a judgment of guilt and with the consent of the defendant and the District Attorney, defer further proceedings and place the defendant on probation upon such reasonable terms and conditions as the court may require.

(b) If the court, in its discretion, defers proceedings pursuant to this section, it shall place the defendant on supervised probation for not less than one year. In addition to any other conditions of probation, the court shall require the defendant to complete a minimum of 30 hours of community service, to obtain a mental health evaluation, and to comply with any treatment recommended as a result of the mental health evaluation. Prior to taking any action to discharge and dismiss under this section, the court shall make a finding that the defendant has no previous criminal convictions. Upon fulfillment of the terms and conditions of the probation provided for in this section, the court shall discharge the defendant and dismiss the proceedings against the defendant.

(c) Discharge and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Discharge and dismissal under this section may occur only once with respect to any person. Disposition of a case to determine discharge and dismissal under this section at the district court division of the General Court of Justice shall be final for the purpose of appeal. Upon violation of a term or condition of the probation provided for in this section, the court may enter an adjudication of guilt and proceed as otherwise provided.

(d) Upon discharge and dismissal pursuant to this section, the person may apply for an order to expunge the complete record of the proceedings resulting in the dismissal and discharge, pursuant to the procedures and requirements set forth in G.S. 15A-145.7.

(e) The clerk shall notify State and local agencies of the court's order as provided in G.S. 15A-150. (2018-72, s. 3.)